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HINCHEY RELEASES TEXT OF SPEECH ON DISSENTING IN WARTIME

WASHINGTON - U.S. Representative Maurice Hinchey (NY-22) delivered the following address on April 27, 2003 at the New York Society for Ethical Culture:

Dr. Arisian, distinguished guests, members of the New York Society for Ethical Culture, ladies and gentlemen: Thank you for granting me the honor of giving this address. I would particularly like to thank my friend and colleague Jerry Nadler for suggesting me as speaker and Mary Ellen Goodman for working with my office on this event.

I know that NYSEC is very concerned about the state of our democracy and the protection of our civil liberties. You are right to be concerned. The reaction of the Bush Administration to the terrorist attacks of September 11th and the war in Iraq has brought with it serious threats to our basic freedoms.

But the state of our democracy is still strong. It is strong because people like you and me are still willing to speak out against our leaders, even when we're at war. Publicly expressing dissent during wartime is crucial to maintaining a healthy democracy. That is what I'd like to speak to you about this morning.

Justin Butterfield, a leading member of the Whig Party from Chicago was once asked whether he would condemn the Mexican War as he had the War of 1812 three decades earlier. He replied, "No, indeed! I opposed one war, and it ruined me. From now on I am for war, pestilence, *and* famine."

Well, it certainly hasn't ruined me and I have no regrets, but the recent response to my continued criticism of the decision to go to war against Iraq has given me some sense of how Mr. Butterfield felt.

Since the Bush Administration first started talking war in Iraq, I have been outspoken in my opposition. Until last month, my position received modest public attention. Then, in a letter I circulated among my constituents in mid-March, I wrote, "We are engaging in what will come to be seen as a massacre in Iraq. ..." Perhaps nothing I have said or written in 30 years of public service has evoked as much response. Numerous letter-writers, radio and television commentators and at least three newspapers, including the *New York Post*, have condemned me. I have been compared to Benedict Arnold and

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my fitness for office has been questioned. One thoughtful correspondent invited me to visit his home in Florida. Apparently I'm to bring my clock so that he can clean it for me. According to my detractors, there should have been a "cease-fire" on criticism once the fighting began and my comments exceeded the bounds of "accepted discourse." Happily, I have received many expressions of strong support for my position as well.

To publicly disagree with the president in wartime is seen by some as being somehow un-American. History shows, however, that such dissent in this country dates back as far as the American Revolution. Indeed, John Adams estimated that a third of the colonies' population opposed the War of Independence.

Some twenty years later, Thomas Jefferson and James Madison were among the many who protested Adams' undeclared war against France. Madison in turn presided over a war so unpopular that it caused the New England states to consider secession.

Congressman Abraham Lincoln and former president John Quincy Adams were outspoken in their criticism of President James Polk when Polk waged war on Mexico.

Early in the last century, many leaders, including former President Theodore Roosevelt and Senator Robert LaFollette harshly criticized President Woodrow Wilson's handling of World War I.

While the surprise attack on Pearl Harbor made support for World War II uncharacteristically unified in this country, the Korean War saw the return of a large, organized peace movement. The Vietnam War is remembered as much for the protests against it as for the actual fighting.

More fresh in our memories is the vocal opposition of many Republican leaders to President Clinton's deployment of troops to Kosovo. In 1999 Congressman Tom Delay said of the U.S. presence there, "It's flawed policy and it was flawed to go in. I think this president is one of the least effective presidents of my lifetime."

Efforts to stifle criticism of the president and his administration during war also have a long history in our country. The resiliency of this particular American tradition is perhaps its most troubling aspect. The Sedition Act of 1798 led to the arrests of many who exercised their First Amendment rights in criticism of the Adams Administration. While the law was discarded soon after, the impulse to silence wartime dissent survived. A new Sedition Act was passed and enforced during World War I. It wasn't until 1964 that the Supreme Court effectively eliminated the crime of sedition in the United States and reaffirmed the constitutional right of free expression.

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But my recent experience, and the experience of others who opposed military action against Iraq, demonstrates that there are still many who believe freedom of speech should be curtailed when American troops go into battle. Senators Daschle and Kerry were both lambasted by Republican leaders for criticizing President Bush's foreign policy failures. Musical groups have been boycotted for making their anti-war feelings known. A screening of *"Bull Durham"* at the Baseball Hall of Fame was canceled because two of its stars are outspoken peace advocates.

Now House Majority Leader Delay says he thinks it is "hypocritical to say on one hand that you support the troops while on the other hand you say the reason they are risking their lives is wrong." For a practical definition of "hypocritical" we need only compare this statement with another made by Mr. Delay while our troops were in Kosovo. "It's very simple," he said. "The president is not supported by the House, and the military is supported by the House."

I have no complaint with those who disagree with my position on the war in strong terms. The letter-writers and commentators who are calling for me to be voted out of office have an appropriate understanding of our representative form of government. I respect their right to disagree and to try to bring others over to their point of view. Our whole political system is based on just this kind of open discussion. But those of us who disagree with an administration during war are too often attacked not so much for our words as for the fact that we dare to utter those words.

Fortunately there have been great leaders throughout our nation's history who have understood that the ability of our citizenry to disagree freely is what has made our country worth fighting for.

When Lincoln was challenged to defend his dissent in 1848, he explained that the Founding Fathers' decision to give war-making powers to Congress was primarily influenced by a long history of oppressive kings involving their peoples in wars under the pretense that it was for the public good. "But your view," Lincoln argued to his correspondent, "destroys the whole matter, and places our President where kings have always stood."

Lincoln saw great peril in the contention that the president should be the sole judge of the necessity to invade another country. He wrote, "Allow the President to invade a ... nation whenever he shall deem it necessary to repel an invasion, ... and you allow him to make war at his pleasure."

When confronted with what he called "the doctrine of 'standing back of the President' without inquiring whether the President is right or wrong," LaFollette said, "If it is important for us to speak and vote our convictions in matters of internal policy, though we may unfortunately be in disagreement with the President, it is infinitely more important for us to speak and vote our convictions when the question is one of peace and war. ..."

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LaFollette was strongly opposed to American involvement in World War I. But the decidedly hawkish Theodore Roosevelt had similar views on the need to speak out in wartime. Writing against the background of the Sedition Act of 1918, the former president wrote, "To announce that there must be no criticism of the president, or that we are to stand by the president, right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American public."

In that one eloquent sentence, Roosevelt neatly summed up the point that needs to be made. When we disagree with the president and his administration during a war, we have not merely a right, but a *responsibility* to publicly air those disagreements. Accepting that responsibility is imperative for the survival of the republic as we know it.

If that sounds like hyperbole, consider what would result if those who would silence wartime dissent succeeded. The deployment of troops is ordered and the opponents of the administration in this country fall silent. Under such circumstances, the president would be granted power never intended by our founders. Additional rights could be rescinded. Moreover, our country's leaders would lack the counsel of its citizens, an essential component of representative government.

In our current state of affairs, we have already seen threats to our freedom emerge with the justification that sacrifices are necessary at times of national emergency. What other infringements on our rights might be carried out if there were no vocal opposition? The checks and balances of our separated system of government would be lost.

Herein lies the reason why it is even more important to speak out during war than in peace. The suppression of dissent in wartime would provide an unscrupulous or overzealous president with additional motivation to wage war. LaFollette said it best in a speech on the Senate floor in 1917. "It is no answer," he asserted, "to say that when the war is over the citizen may once more resume his rights and feel some security in his liberty and passion... (I)f every preparation for war can be made the excuse for destroying free speech and a free press and the right of the people to assemble together for peaceful discussion, then we may well despair of ever again finding ourselves for a long period in a state of peace."

LaFollette was not un-American. Nor were Abraham Lincoln or Theodore Roosevelt. They were patriots in the true sense of the word. So are Tom Daschle and John Kerry and Michael Moore and Susan Sarandon. Patriotism is defined as "love for or devotion to one's country." Our country is not one president or one administration or one military action or even one flag. It is a place where we are free to openly disagree with our president and his decisions. That is what our country stands for. That is the principle to which we are devoted. And that is what we love.

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The ostensible reason we went to war to remove Saddam's regime was to bring this principle to Iraq. Would we have any credibility as freedom-preachers if there were no public disagreement in our own home? Vocal displays of dissent during war do not hurt the cause of democracy and freedom. On the contrary, they provide a shining example for the parts of the world that are not yet free. Let us continue to show the world what it's like to live in a country where one can protest against its leaders without fear of reprisal. Let us continue to speak out. Let us continue to be true patriots.